

## Message Text

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72

ORIGIN ARA-20

INFO OCT-01 IO-13 ADP-00 L-03 COA-02 EB-11 COME-00 INT-08

OMB-01 TRSE-00 CG-00 H-03 CIAE-00 DODE-00 INR-10

NSAE-00 PA-03 RSC-01 PRS-01 NSCE-00 SSO-00 USIE-00

INRE-00 /077 R

DRAFTED BY ARA/LA/EP:KGUTHRIE:EFM

8/13/73:28396

APPROVED BY ARA:JBKUBISCH

ARA/LA/EP:SMPRINGLE

L/C:RHENDERSON (INFO)

L/ARA:DGANTZ (INFO)

S/FW:WVANCAMPEN (INFO)

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O 132324Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY QUITO IMMEDIATE

INFO AMEMBASSY LIMA IMMEDIATE

AMCONSUL GUAYAQUIL IMMEDIATE

USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L STATE 160329

E.O. 11652: GDS

TAGS: EFIS, EC

SUBJ: NOTIFICATION TO ECUADOR UNDER FPA

REF: STATE 157984

GENEVA FOR AMB. MCKERNAN

1. IN ACCORDANCE WITH SCENARIO OUTLINED REFTTEL, ASST.  
SECY. KUBISCH RECEIVED ECUADOREAN AMBASSADOR AUGUST 13  
TO MAKE NOTIFICATION REQUIRED BY SECTION 5 OF FISHERMEN'S  
PROTECTIVE ACT.

2. KUBISCH EXPLAINED HISTORY OF FPA AND PROVISIONS  
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RELATING TO NOTIFICATIONS AND AID DEDUCTIONS IN

ACCORDANCE WITH POINTS IN PARA 3 REFTEL. HE STRESSED THAT NOTIFICATION THAT REIMBURSEMENTS

HAD BEEN MADE WAS BEING PROVIDED TO GOE TO MEET REQUIREMENTS OF U.S. LAW. HE READ TEXT OF AIDE MEMOIRE, WHICH QUEVEDO ACCEPTED, ALONG WITH APPENDED LIST GIVING DETAILS OF PAYMENTS MADE FOR INDIVIDUAL SEIZURES.

3. WHEN KUBISCH EXPLAINED THAT NOTIFICATION WAS NOT RPT NOT SANCTION, QUEVEDO INTERJECTED THAT WHILE IT WAS NOT AN ECONOMIC SANCTION, IT WAS A MATTER AFFECTING ECUADOREAN SOVEREIGNTY AND THEREFORE OF SERIOUS CONCERN TO GOE. KUBISCH REPLIED THAT BECAUSE US AND ECUADOREAN POSITIONS ON TERRITORIAL SEA DIFFERED, IT WAS OUR POSITION THAT NOTIFICATION DID NOT CONSTITUTE SANCTION BUT THAT HE UNDERSTOOD POINT QUEVEDO WAS MAKING BASED ON GOE VIEW OF TERRITORIAL SEA.

4. KUBISCH FURTHER STRESSED AT THIS POINT THAT IT WAS DESIRE OF USG TO MAINTAIN GOOD RELATIONS WITH ECUADOR, TO MAKE EVERY EFFORT TO CONSULT ECUADOR ON PROBLEMS OF MUTUAL CONCERN IN ORDER TO OVERCOME THOSE DIFFERENCES THAT EXISTED, AND WHERE SUCH DIFFERENCES COULD NOT BE RESOLVED, TO KEEP THEM FROM AFFECTING OTHER AREAS OF OUR RELATIONS. FOR THIS REASON, WE DID NOT, AS HE HAD EXPLAINED, INTEND TO PUBLICIZE NOTIFICATION. IF, HOWEVER, NOTIFICATION DID BECOME PUBLIC KNOWLEDGE AND PRESS INQUIRIES RESULTED, DEPARTMENT SPOKESMEN WAS INSTRUCTED TO PROVIDE FACTUAL REPLIES, EXPLAINING THAT NOTIFICATION HAD TAKEN PLACE, NO AID DEDUCTIONS HAD BEEN MADE, THE PRESIDENT HAD DISCRETION TO WAIVE DEDUCTIONS WITHIN 120 DAYS, AND THAT NO DECISION HAD YET BEEN MADE REGARDING A WAIVER.

5. IN RESPONSE TO QUEVEDO COMMENT THAT USG WAS IN EFFECT ASKING THE GOE TO PAY BACK THE MONEY THAT HAD BEEN COLLECTED FROM U.S. FISHING BOATS, KUBISCH STRESSED THAT THE USG WAS NOT PRESENTING A CLAIM OR ASKING FOR ANY PAYMENT FROM ECUADOR AT THIS TIME.  
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6. AFTER COMPLETING EXPLANATION, KUBISCH INVITED QUESTIONS OR COMMENTS FROM AMB. QUEVEDO, WHO REPLIED THAT HE REGRETTED USG WAS TAKING THIS STEP, SINCE IT COULD NOT FAIL TO CREATE PROBLEMS FOR US-ECUADOREAN RELATIONS. KUBISCH POINTED OUT THAT NOTIFICATION DID

NOT HAVE ANY PRACTICAL EFFECT ON ECUADOR. NOTIFICATION

WAS NOT CREATING ANY NEW PROBLEM IN US/ECUADOREAN RELATIONS THAT HAD NOT EXISTED SINCE PASSAGE OF 1972 AMENDMENTS TO FPA LAST OCTOBER. IN INFORMING ECUADOR OF REIMBURSEMENTS, WE WERE DISCUSSING MATTERS OF MUTUAL INTEREST TO OUR TWO GOVERNMENTS IN THE SAME WAY THAT WE CONSULTED WITH OTHER FRIENDLY GOVERNMENTS THROUGHOUT THE WORLD. QUEVEDO REPLIED THAT WHILE HE UNDERSTOOD POINTS MADE BY KUBISCH AND THAT PRESIDENT RODRIGUEZ AND FOREIGN OFFICE WOULD ALSO, MOST ECUADOREANS WOULD NOT. FOR ECUADOREANS QUESTIONS OF NATIONAL DIGNITY WERE MORE IMPORTANT THAN ECONOMICS; NOTIFICATION PRESENTED A MORAL ISSUE THAT TRANSCENDED ANY CONSIDERATION OF WHETHER USG'S ACTION DID OR DID NOT AFFECT ECONOMIC ASSISTANCE FOR ECUADOR. KUBISCH SAID

THAT HE HOPED HE COULD COUNT ON AMBASSADOR QUEVEDO TO EXPLAIN OUR POSITION TO THE GOE SO THAT THIS INTERNAL USG MATTER DID NOT RPT NOT BECOME A SERIOUS SOURCE OF FRICTION BETWEEN OUR GOVERNMENTS. CONVERSATION WAS FRIENDLY THROUGHOUT, THOUGH QUEVEDO APPEARED SKEPTICAL ABOUT POSSIBILITY THAT GOE MIGHT BE WILLING TO COOPERATE IN MINIMIZING PUBLICITY OR OTHER REACTION TO NOTIFICATION. ROGERS

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 AUG 1973  
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**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
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